

CITY OF HOBOKEN

POLICE

DEPARTMENT

A preliminary review of the staffing levels and organizational structure
for the City of Hoboken's Police Department

Prepared by:

Division of Local Government Services

State of New Jersey



Division of Local Government Services

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EXECUTIVE SUMMARY

The Division of Local Government Services (DLGS) conducted an assessment of the Hoboken Police Department (HPD) at the request of then Hoboken City Mayor David Roberts and as a part of the State Supervision statute. The executive summary presents an overview of the findings presented throughout the report.

General

Upon review of the Hoboken Police Department, DLGS staff generally found the Department in need of consistent and reliable leadership, amended staffing numbers and technologically sufficient equipment to meet the policing needs of Hoboken. The facilities and physical support of the HPD must be brought into line with the expanded needs and responsibilities of the Department in order to best provide police service to the City of Hoboken.

As the time this report was initiated, there was a change in municipal administration and a change in the leadership of the Police Department. In addition, the City of Hoboken had been placed under state supervision for reasons unrelated to the Police Department.

DLGS believes the HPD rank and file employees want to proactively face new challenges; however, the relatively new leadership in the positions of Police Chief and Director of Public Safety are, at this point, untested. The Governing Body, appropriately, is concerned with the financial aspects associated with providing and delivering quality police services. DLGS recognizes the costs of providing police services constitutes a large portion of resources available to the City.

DLGS notes, however, that the changes as suggested within will take time and resources. Once the relevant parties have read this report, DLGS staff will welcome the opportunity to aid in the development of a plan to accomplish the goals set forth within this report.

Summary of Recommendations:

The summary is divided into three sections: Organization and staffing; administrative and procedural; fleet and facilities. The DLGS report should act as a "blue print" for the Hoboken Mayor and Council and the Hoboken Police Department to achieve the most effective and fiscally efficient Police Department for the City. The HPD should have periodic meetings with both the City Administration and the Director of Public Safety (if continued) to ensure the recommendations made in this report are met in a timely manner.

Organization, Staffing and Operations:

- A. At the present time, the City has a Director of Public Safety. While DLGS understands that there may be advantages in maintaining this position, with respect to the needs of Hoboken we suggest the Mayor evaluate the present and future needs of the administration and the City to determine whether the City's administration benefits from this position.**
- B. The staffing needs for the HPD are 1 Chief, 3 Captains, 12 Lieutenants, 26 Sergeants and 60 or 70 Officers/detectives depending on the methodology applied. This determination reflects a reduction in staff from 158 to 112 or 102 depending on the methodology employed.**
- C. The Table of Organization must be realigned to meet the current staffing and needs of the Department and to meet supervisory and oversight demands.**
- D. There should be adjustments in deployment to assure coverage. The current work schedule allows for a 35-hour work week (1824 hours per year). This is 255 hours less than the desired 40-hour work week (2,080 hours per year) which is 38,500 hours for the department - an equivalent of 18 officers. The Mayor may choose to raise this with labor negotiators to determine the net cost effectiveness to employing a 40-hour work week.**
- E. There should be civilianization of several positions currently performed by police officers in order that more police officers are on the street. DLGS recommends civilianization in the Records Bureau, Training, Property and Evidence, Information Technology and Dispatch Supervision.**

- F. Special Law Enforcement Officers (SLEO)s should be hired to perform the allowable duties in order that more police officers are devoted to power shifts and high crime areas. This is especially pertinent when Hoboken “hosts” special events or during high population times when the clubs/restaurants are open late. The City should develop a fee ordinance for special events to assure that the cost of additional police coverage is borne and/or defrayed by those directly needing the services.**

Administrative and Procedural:

- A. All relevant ordinances must be brought into compliance with the Rules and Regulations promulgated by the Division of Criminal Justice.**
- B. All written directives must be brought into compliance with the Division of Criminal Justice guidelines regarding developing a written directive system.**
- C. All Standard Operating Procedures (SOPs) must be reviewed immediately for relevancy, statutory compliance and thereafter, a regular schedule of review must be implemented.**
- D. All administrative processes (such as secondary employment) must be in compliance with State directives.**
- E. New fees should be implemented where available. Fee ordinances should be amended.**

Fleet and Facilities:

- A. All buildings, and specifically police areas, must be secured both during and after business hours.**
- B. The current facilities are adequate to house the Police Department.**
- C. A continuing cleaning, refurbishment, and/or rehabilitation program for current facilities should be implemented.**
- D. The fleet is maintained by the Environmental Services Department (ESD) and is adequate at this time. A vehicle replacement plan needs to be developed based on the cost to maintain vehicles.**

E. The fleet and facilities must be technologically updated. Police personnel (both civilian and sworn) must have the tools to efficiently deliver services to the community.

OVERVIEW

City of Hoboken

The City of Hoboken, located in Hudson County, has a population of 38,577, according to the 2000 US Census Survey. The ethnic makeup is 27,197 (70.5%) white; 7,793 (20.2%) Hispanic; 2,932 (7.6%) other; and 1,659 (4.3%) African American. The City borders Jersey City, Union City, Secaucus, and Weehawken. The City is approximately 1.3 square miles.

On September 10, 2008, the Local Finance Board placed the City of Hoboken under State Supervision pursuant to N.J.S.A. 52:27BB-54 et. seq. after a judicial determination that “.... [the City’s] gross failure to comply with the Local Bond Law, N.J.S.A. 40A:4-1 et. seq., the Local Budget Law, N.J.S.A. 40A:4-1 et. seq. or the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et. seq., which failure substantially jeopardizes the fiscal integrity of the municipality.”¹ The Supervision was renewed on September 9, 2009 for an additional year after the City’s Council again failed to introduce and adopt an appropriate balanced budget.² The Local Finance Board’s Resolution granted broad statutory powers to the Director of Division of Local Government Services who, in turn, delegated broad powers to a Fiscal Monitor hired by the City. The Hoboken Fiscal Monitor has broad powers under the aforesaid statutes.

The broad powers include, but are not limited to, creating a budget, proposing resolutions, and contract negotiations. With a Fiscal Monitor, neither the DLGS nor the Director has a role in the direct fiscal management of the City, nor do they have a role in contract negotiations. The DLGS acknowledges that during the time of this report’s creation, there are ongoing police contract negotiations. While this report’s recommendations may affect the staffing and City’s fiscal obligation to the HPD, this report has no direct role in the contract negotiations.

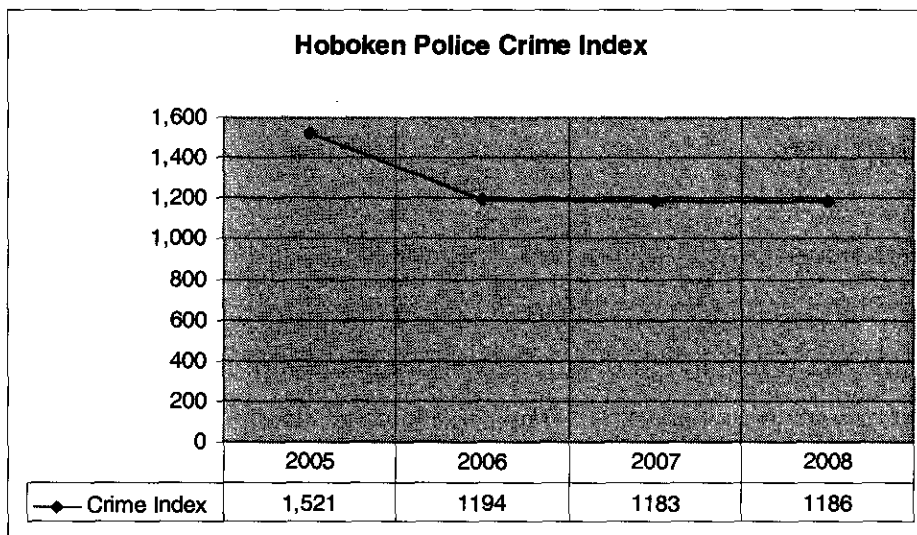
¹ See. Local Finance Board Resolution (attached as Appendix E)

² Id.

Crime Rate³

Hoboken PD				
	2005	2006	2007	2008
Crime Index⁴	1,521	1194	1183	1186
Violent	118	116	158	156
Non-Violent	1,403	1078	1025	1030
Crime/1000	37.9	29.9	29.7	29.2
Violent/1000	2.90	2.9	4	3.8
Non-Violent/1000	34.90	27	25.7	25.4

Under the New Jersey Uniform Crime Reports promulgated by the New Jersey State Police, the Crime Rate is the number of Crime Index offenses reported for each unit of population per 1,000. The "Crime Index" is calculated by adding the violent and non-violent reported crime in a given year. The Crime Index consists of seven major offenses separated into violent (murder, rape, robbery and aggravated assault) and non-violent crimes (burglary, larceny-theft and motor vehicle theft).

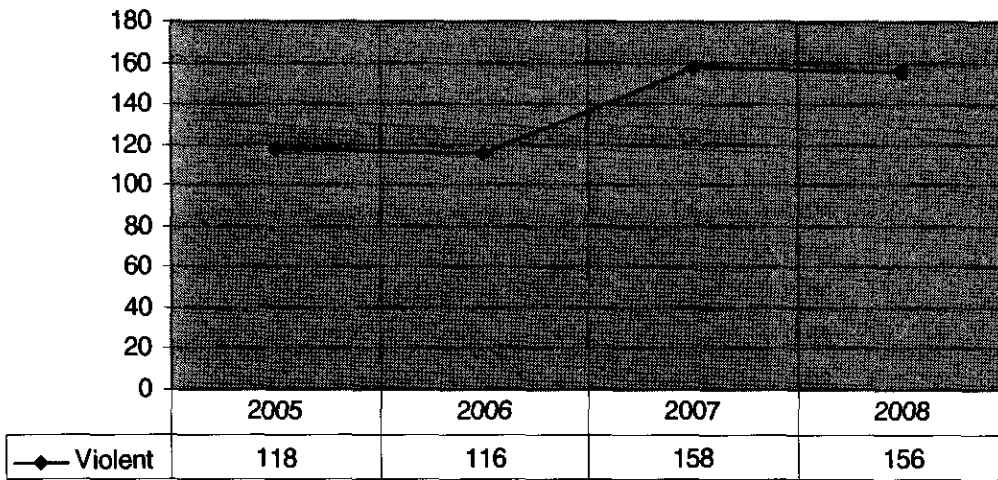


³ All charts and figures were compiled from the Uniform Crime Reports of New Jersey.

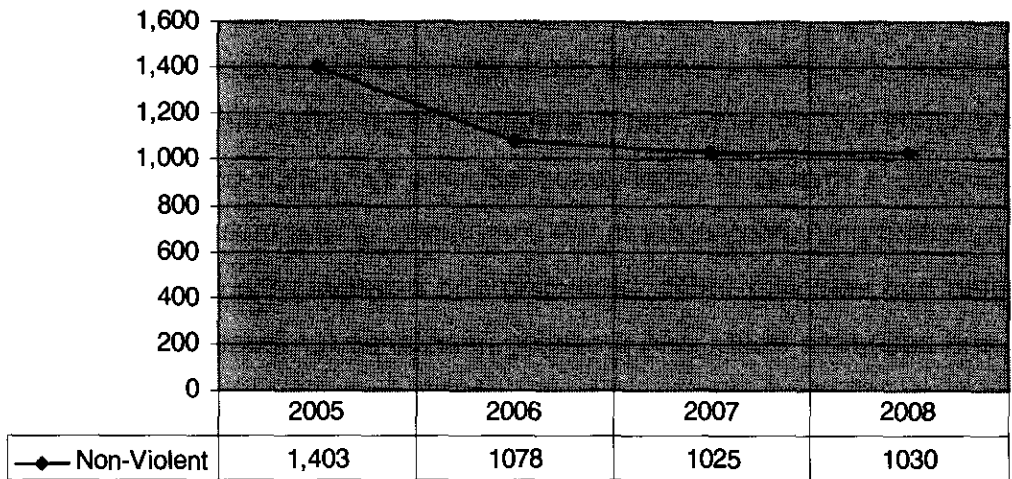
<http://www.state.nj.us/njsp/info/stats.html>

⁴ New Jersey State Police 2008 Uniform Crime Reports, Glossary of Terms. Crime Index: The total of the seven major offenses used to measure the extent, fluctuation and distribution of crime in a geographical area. The following crimes make up the index: Murder, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft; these offenses are referred to as Index offenses.

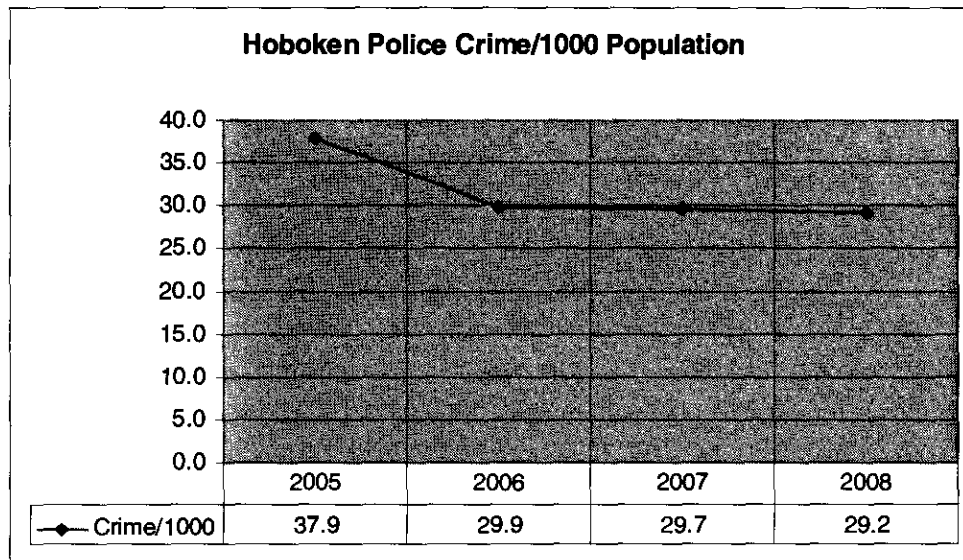
Hoboken Police Violent Crime



Hoboken Police Non-Violent



The Hoboken Police Crime Index indicates that crime, as a total of both violent and non-violent crime has decreased. Though the violent crime has increased from 2006 to 2007, the severe drop in non-violent crime gives a total crime rate decrease in the same period. The total crime per 1,000 population indicates a slight decrease in crime. In determining the staffing needs of the Police Department, DLGS staff considers crime statistics in their evaluation.



Policing in a urban/suburban⁵ community, such as Hoboken, and in any community is a far more complex set of activities than many people recognize. To many citizens, the police are simply crime fighters whose responsibility is to protect people's safety and property, and to enhance the public's sense of security. There are, however, a myriad of other responsibilities the police discharge on a daily basis, including preserving order in the community, guaranteeing the movement of pedestrian and vehicular traffic, protecting and extending the rights of persons to speak and assemble freely, and providing assistance for those who cannot assist themselves.

Hoboken Police Department (HPD) provides the community with a total spectrum of policing, spanning a full range of services that include response

⁵ As defined under the NJ Dept. of Law & Public Safety Uniform Crime Report (UCR)

to emergencies, response to calls for service, directed activities, and problem solving; however, the interaction and communication between the police and the community needs improvement.

Hoboken has had its share of problems and issues as there have been police events reported in the media concerning on and off-duty actions by police officers, which have invoked strong citizen criticism, and editorials which has defined it as a department in crisis. The inappropriate actions of some officers have impacted the entire Police Department; however, the Police Department is at a crossroads. An immediate change and long-term commitment by both the Police Department and the Administration is needed to improve the entire department.

There must be an effort by the incoming city and police administrations, command staff and the first-line supervisors to change and develop a new culture. DLGS suggestions reflect an acceptable police industry method for determining staffing levels while making available sound contemporary supervisory concepts to improve the efficiency, effectiveness and performance of the HPD.

I. Methodology and Framework for Staffing

The assessment of HPD was conducted through data collection, on-site observation of police personnel, interviews, research, reviews of relevant literature, statutes, regulations and nationally accepted standards of police organization, comparative evaluation of police industry standards, meetings, analysis of data, and experience of DLGS staff.

The International Association of Chiefs of Police has developed a scientific approach to the distribution of patrolling staffing levels. This approach to the allocation of patrol staffing as applied in this report has found acceptance among the most progressive police agencies in the country. Although the system is not perfect, it is much more effective in allocation methods based upon subjective evaluations of a particular situation or comparisons to police agencies. The DLGS staff, additionally, utilizes models taught by Northwestern University Center for Public Safety in the analysis of the HPD.

DLGS staff intermittently spent approximately 8 weeks interviewing, observing and collecting data for this report. The DLGS staff met with the Director of Public Safety, Police Chief and his staff who provided the data used in this report. The DLGS also met with all the captains (5), a representative sample of lieutenants, sergeants, police officers and civilian employees to gain an understanding of the operation of the HPD.

Standards and Accepted Practices

- New Jersey Division of Criminal Justice, Guide to Developing a Written Directive System, July 2001.
- New Jersey Division of Criminal Justice, Model Rules and Regulations, July 2001.
- New Jersey Division of Criminal Justice, Attorney General Guidelines, ongoing publications, See. <http://www.state.nj.us/oag/dcj/guides.htm>
- The Field Operations Division of the International Association of Chief of Police [IACP], Washington D.C. 20036, on-going. <http://www.theiacp.org/PublicationsGuides/tabid/71/Default.aspx>

- Standards for Law enforcement Agencies, Commission on Accreditation for Law Enforcement Agencies (CALEA), Inc. Fairfax, Virginia 22030, on-going.
<http://www.calea.org/Online/CALEAPrograms/LawEnforcement/lawenfprogram.htm>

Analysis Categories

The general categories used for analysis in the study were: Administration and Staffing; Facilities and Fleet and, in conjunction with these major categories, DLGS staff reviewed police administration policies, community assessment; physical resources; human resources; training and competency; and external interactions.

Introduction to the Study's Parameters

The DLGS recognizes that there is no one right way to organize a police department and every department must be structured to meet the specific needs of the community it serves; however, studies including those cited herein, indicate that certain principles of organization have been proven valid over time and include:

- Tasks, similar or related in purpose, processes, methods, or clientele, should be grouped together in one or more units under the control of one person;
- Each task should be clearly and concisely made the duty of an individual; responsibility for planning, execution, and control should be definitively placed on designated individuals;
- Each individual, unit, and situation should be under the immediate control of one, and only one, individual, thus achieving the principle of unity of command;
- Each assignment or duty should carry with it the authority necessary to fulfill the responsibility;
- Lines of demarcation between the responsibilities of units should be clearly drawn by a precise definition of the duties of each;
- Rank should increase one-step, and only one-step, at each level of the organization's structure and be consistent with the duties and responsibilities assigned to the position;

- Personnel who actually supervise others should hold supervisory rank;
- Qualified civilian employees should staff functions that can be performed by non-sworn personnel; and
- Non-traditional or highly specialized functions should only be established if a demonstrated and on-going need exists.

These principles, coupled with the corporate knowledge of the community possessed by the HPD command personnel, should guide the development of an appropriate table of organization and the operational policies necessary for the future direction of the HPD.

The HPD must be structured to perform its essential functions efficiently and effectively, within its fiscal restraints, consistent with the nature and particular needs of the community it serves. The DLGS will identify positions that should be funded to provide a recommended level of police service to the City without compromising officer safety. The timetable to implement these recommended changes is the responsibility of the Mayor, and the members of the governing body.

The report makes recommendations based on sound police operations principles that can be applied to Hoboken City. The DLGS recommendations include, but are not limited to, “civilianization” of functions currently performed by police personnel in order to place additional sworn officers on the street and a decrease in supervisory personnel.

During the assessment, DLGS staff sought specific documentation from the City, HPD Administration and the Municipal Court. While the City and HPD provided a portion of the documents in a timely fashion, the DLGS staff observed the documents provided were not consistently accurate or were only provided after repeated requests.

A common financial vision between the police leadership, its officers and the City needs to be established to accomplish the goal of delivering high quality law enforcement services to the community at a practical cost.

The DLGS staff members, who have studied public safety departments of local governments within the State of New Jersey, conducted the assessment. The lead investigator was a member of the Public Safety Liaison team within the DLGS and has over 25 years police experience with the last seven active duty years as the Police Chief of the 60 sworn officers in Maplewood NJ. He is a graduate of the West Point Leadership School sponsored by the New Jersey Chiefs of Police Association. Upon retirement from Maplewood 12 years ago, he was hired by the New Jersey Department of Treasury and assigned to the Local Government Budget Review for three years. Upon the dissolution of that body, he transferred to the Department of Community of Affairs for the past nine years. At both organizations, he conducted reviews of Public Safety organizations to provide technical assistance and recommend acceptable staffing levels and organization structures.

The DLGS recommendations are not merely to promote efficiency, effectiveness and performance of the Police Department, but also a blue print for steps that the City may take to provide fiscally responsible essential police services to the people who live, work, shop and raise children within the City of Hoboken.

Staffing

In general, DLGS experience indicates that the largest percentage of municipal budgets is for public safety functions and, in particular, police functions. A large part of any police budget is for salary and wages. In order for one to determine whether a police force is fiscally efficient without sacrificing public safety, one must determine the optimum level of staffing for the police department given the particular circumstances of the community.

“Work schedule” and “officer availability” are the first areas of staffing addressed in this report. An assessment of the police officers’ work schedules will help determine if the City is scheduling their police force in the most efficient and cost effective manner. The second area of assessment is man power staffing. Within this report, police staffing is calculated by two methodologies: “calls for service” methodology and “alternative staffing/minimum staffing” methodology.

Work Schedule

The Uniformed Patrol squads work 8-hour shifts, five days on, two days off; then four days on, 3 days off which results in a 35-hour workweek and 1824-hour base work year. All scheduled time off and the averages for sick, injured, training, personal, and other days are subtracted from the base year.

The present schedule requires HPD officers to work an average 35 hours a week (1,824 hours annually before leave time was taken). When compared to a traditional 40-hour work week (2,080 hours annually before leave time was taken), the HPD officer schedule is 255 hours less per employee. This is a loss of 38,500 hours of productivity for the entire department, which is the equivalent of 18.5 officers. Expressed in dollars, this costs the City approximately \$1,700,000 per year. Although hours worked are defined by contract, this shortfall in hours can be addressed in future labor contracts: \$1,700,000 divided between 158 officers is \$10,758 per officer. The Mayor may choose to raise this with the labor negotiators to determine the net cost effectiveness to employing a 40-hour work week.

CHART A⁶

Position	Number	Total Sal	Avg. Salary ⁷	Avg. Hourly Rate	
Police Officer	104	7,064,279	67,925.76	1824	37.24
Supervisor	54	5,376,897	99,572.17	1824	54.59
Lost Salary	104	256	54.59	754,652.21	
	54	256	37.24	991,477.75	
				1,746,129.96	Lost Salary

The above Chart A, and Charts B and C on the following page indicate the City “loses” approximately 1.7M dollars in man hours in calculating a 35-hour work week versus a 40-hour work week. By inference, the City could potentially “save” the lost salary by going to a 40-hour work week. In order to complete the analysis, if one were to assume that a 40-hour work week could be contractually negotiated, one must also compute the cost of the “five additional hours” for the officers involved. To analyze this, the organizational charts on pages 25, 27, and 29 within, indicate a calculated reduction in personnel from 66 patrol officers to either 46 or 36 sworn patrol officers, depending upon the methodology employed. Chart D and E on the following page calculates that a 40-hour work week with a reduction in force to either 36 and 46 officers, respectively, and including the “five extra hours” would translate to an approximate \$3,024,641.31 (36 patrol officers) or \$2,250,049.31 (46 patrol officers) savings for the City.

⁶ Charts A through C evaluate 35 hour versus 40 hour workweeks based on the existing work force of 158 officers

⁷ Using 2009 Hoboken Budget Data

CHART B

Existing force @ 35 hrs/wk

Position	Number	Total Sal.	Avg. Sal.	Yearly Hours	Hourly Rate
Officer	104	\$ 7,064,279.00	\$ 67,925.76	1824	\$ 37.24
Supv.	54	\$ 5,376,897.00	\$ 99,572.17	1824	\$ 54.59
	158		\$12,441,176.00		

CHART C

Existing force @ 40 hrs/wk

		Hourly Rate	Yearly Hours	
Officer	104	\$ 37.24	2080	\$ 8,055,756.75
Supv.	54	\$ 54.59	2080	\$ 6,131,549.21
	158			\$14,187,305.96

\$(1,746,129.96)

CHART D

Reduction in force to 36 patrol officers @ 40 hrs/wk ⁸

		Hourly Rate	Yearly Hours	
Officer	60	\$ 37.24	2080	\$ 4,647,551.97
Supv.	42	\$ 54.59	2080	\$ 4,768,982.72
	132			\$9,416,543.69

\$3,024,641.31

CHART E

Reduction in force to 46 patrol officers @ 40 hrs/wk ⁹

		Hourly Rate	Yearly Hours	
Officer	70	\$ 37.24	2080	\$ 5,422,143.97
Supv.	42	\$ 54.59	2080	\$ 4,768,982.72
	132			\$10,191,126.69

\$2,250,049.31

⁸ Reflects reduction in staff as contained on proposed organizational chart on page 27

⁹ Reflects reduction in staff as contained on proposed organizational chart on page 25

Availability

The term “availability” refers to the average number of days or hours that officers actually report for work per year. The availability is determined by the work schedule; the average contracted leave time used and unscheduled time utilized by an average officer. In Hoboken, the average officer assigned to the Patrol Bureau works 1,450 hour a year. See chart below.

- **Vacation Days:** The average number of vacation days *used* by officers was 19.6 days or 156.8 hours. The number of available vacation days may vary depending upon time in service.
- **Holidays:** The average number of holidays used was 14 days or 112 hours. Note: the existing contract calls for 14 holidays.
- **Desk Duty:** The average number of day’s patrol officers are assigned to desk duty was 8.3 days or 86.3 hours.
- **Sick Days:** The average number of sick days taken by officers was 9.9 days or 679.2 hours. The number of contractually given sick days is addressed through giving flat rate payouts for “perfect attendance” (\$1500) and a decreasing scale for occurrence of illness.
- **On Duty Injured (OJI) Time:** The average number of OJI days used was 0.58 days or 4.64 hours.
- **Training Days:** The average officer is excused from duty 0.63 days or 5.04 hours.
- **Blood/PT Other Days:** 2.06 days or 16.48 hours include time off for donating blood, jury duty, marriage leave, union business, conventions and other excused absences used by the average officer. “Blood time” is one day for each time the officer gives blood or blood day in emergency for a needy city employee, 3 days off, maximum 5 days a year

Hoboken Police Department			
OFFICER AVAILABILITY			
Patrol Schedule		DAYS	HOURS
Base year	8 hr days	365	2920
Scheduled days off		137	1096
Scheduled work days		228	1824
Vacation		19.6	156.8
Sick		9.9	79.2
OJI		0.58	4.64
		0	0
Training		0.63	5.04
Blood/PT		2.06	16.48
Holidays		14	112
Average Availability		181.23	1450

The above chart reflects the days generally used in the calculation of officer availability. These categories are consistent in the modeling taught by the Field Operations Division of the International Association of Chief of Police [IACP], the Standards for Law Enforcement Agencies, Commission on Accreditation for Law Enforcement Agencies (CALEA), and the Northwestern University Center for Public Safety. In addition to the days delineated above, the HPD contract calls for the following paid leave:

- Bereavement Leave for immediate family from date of death to funeral; not to exceed 5 days;
- Marriage of employee - 6 consecutive days off;
- One day off for each time of Baptism, communion, confirmation, Bar/Bat Mitzvah, and Graduation (not defined) including one day off if employee is the Godfather, godmother, Maid of honor, bridesmaid, groomsman of wedding; and
- Three days emergency leave for immediate family illness.

Although most employment, including police, contracts include a provision for Bereavement Leave and many include a provision for emergency leave for family illness, few contracts include marriage, baptism, bar mitzvah, or leave for donating

blood. The Mayor may choose to meet with labor counsel to determine the “worth” of these provisions.

Minimum Staffing Level Methodology

There are several methods used to estimate the minimum level of patrol staffing for a Department. The selection of the most appropriate method is based on a number of factors, including the size of the Department, the overall workload, and the quality of the data available. Data derived from the Computer Aided Dispatch system (CAD) is used to determine the number and type of calls for service (CFS) the Department responds to over time. The data is used to identify the minimum number of officers considered necessary to staff the Patrol Division while maintaining a safe community environment. The number does not include supervisors or traffic officers who do not normally respond to emergency assignments. DLGS utilizes the “Calls for Service” model and the “Alternative Staffing” model for determining the minimum staffing number. DLGS utilizes the “Calls For Service” model and the “Alternative Staffing” model for determining the minimum staffing number because these are the two models most frequently used in determine police department staffing numbers.

A. Calls for Service Method

The first method used is the Calls for Service (CFS) method, which is based on the number of CFS handled by the Department and thus, based on “workload”. Each CFS, either generated by phone and dispatched by the Department or initiated by Officers while on patrol, is entered into the Computer Aided Dispatch (CAD) system, which enables the Department to track the call and the time it takes to complete the assignment. Information gathered should include the time, location, type, units assigned, and disposition.

According to data supplied, the Department responded to 60,031 calls for service in 2008. The Hoboken CAD classifies 98 categories of police activity but not all recorded activities are used for this calculation. All administrative calls, CAD

entries for investigations initiated by detectives and self-initiated traffic stops, are eliminated and factored into other portions of the calculation. The average time per call furnished by the CAD was 22.27 minutes per call.

Multiplying 60,031 calls by an average time of 22.27 minutes per call results in 22,211 hours of “obligated” time that is used servicing calls. The accepted rule for utilization of time spent by patrol officers is one third of time is spent answering calls (obligated time), one third of time is used for administrative responsibilities and one third is “unobligated” time. This ratio is derived from best practices taught at the Northwestern University Center for Public Safety. Unobligated time is also known as preventive patrol, described as being “oriented toward the prevention of crimes and accidents, maintenance of public order, and discovery of hazards and delinquency-causing situations” (CALEA). Generally, this method has proven reliable compared to more detailed and complex analyses. In order to compensate or adjust for administrative time and unobligated time, a factor of three is used by multiplying 22,211 hours (obligated time) by 3 results in 566,634 total hours per year of patrol officers’ time. Dividing 66,634 by 1,450 (officer availability), the result is 46 officers considered necessary to staff the patrol squads.

B. Police Officer Availability

It is also necessary to calculate the average number of hours an officer reports to work. To calculate this, the Division of Local Government (DLGS) has used a public safety availability model based on methods taught by the Northwestern University Center for Public Safety and data supplied by the HPD.

In order to determine and justify the size of the Department, the Police Chief must establish how many officers are essential to staff the uniformed patrol force. To do this effectively, the Chief must know the amount and type of workload by time and location, the time it takes to clear the call, and the time that officers are actually at work. Demands for police service occur in fairly predictable and

systematic patterns over an extended period. Consideration must be given to days off, vacations, holidays, training and other activities, which detract from productive patrol time

C. CFS Staffing Analysis/ Data Information

Multiplying 60,031 CFS by the time consumed per call of 22.27 minutes (.37) per call, results in 22,211 hours of obligated time, which is directly spent on service calls.

Then multiplying 22,211 (obligated time) by 3 results in 66,634 total hours per year in patrol officers' time. Dividing 66,634 by 1,450 (officer availability), the result indicates a minimum of 46 officers are needed to staff the Patrol Bureau.

CFS	60,031	Total time	22211.47	Patrol time	66634.41
Time/call	0.37	Factor	3	Availability	1450
Total time	22211.47	Patrol time	66634.41	Officers	46.0

Acknowledging the importance of patrol, the Chief's staff should conduct periodic reviews of the workload analysis to ensure adequate coverage with accurate data information.

CALLS FOR SERVICE STAFFING CHART

(Indicating a minimum of 46 patrol officers)

Organizational Unit	Chief	Captain	Lieutenant	Sergeant	Police Officer	Total
Director of Public Safety						
Chief's Office	1					1
Professional Standards						
Internal Affairs			1	1	1	3
Planning/Training/ Operations/ Budget/Grants/			1	1	1	3
Patrol Operations		1	8	16	46	71
Communications						
PST Dispatchers 911						
Traffic Section				1	3	4
Community Policing						
And SRO's			1	2	6	9
Criminal Investigations		1	1	3	6	11
Juvenile Aide Section				1	1	2
Anti-crime				1	3	4
Property & Evidence						
Administration/Support		1				1
Bureau of Identification					2	2
Alcoholic Beverage Control					1	1
Fleet/Facilities/Equipment						
Information Technology						
Records						
TOTAL	1	3(4)	12 (19)	26(30)	70 (104)	112 (158)

Numbers in parentheses indicate current staffing. This chart indicates a reduction of 46 positions (from 158 to 112 sworn officers).¹⁰

D. Alternate Staffing Method of Analysis/Minimum Staffing Method

Another method used to determine staffing of the patrol division is the "minimum staffing method", which is based of the "safety" of the officers. The method requires the Chief determine the minimum amount of officers needed to safely deploy a patrol squad and the minimum number of officers available for service delivery before recalling officers for overtime. The Chief has determined that the minimum

¹⁰ A reduction in patrol officers would indicate a reduction in supervisory personnel as well.

staffing is 6 officers on the first shift, 6 officers on the second shift and 6 officers on the third shift.

Multiplying 18 by the length of the tours of 8 hours, the result is 144 hours per day or 43,800 hours per year. Dividing the total hours per year by the officer availability of 1,450 hours, the result is 36.25 officers needed to staff the Patrol Bureau.

Alternate Method Analysis

Beat/day	18		Hours/day	144		Hours/year	52560
Hour/shift	8		Days	365		Availability	1450
Hours/day	144		Hours/year	52560		Officers	36.25

ALTERNATE METHOD STAFFING CHART
(Indicating a minimum of 36 patrol officers)

Organizational Unit	Chief	Captain	Lieutenant	Sergeant	Police Officer	Total
Director of Public Safety						
Chief's Office	1					1
Professional Standards						
Internal Affairs			1	1	1	3
Planning/Training/ Operations/ Budget/Grants/			1	1	1	3
Patrol Operations		1	8	16	36	61
Communications						
PST Dispatchers 911						
Traffic Section				1	3	4
Community Policing						
And SRO's			1	2	6	9
Criminal Investigations		1	1	3	6	11
Juvenile Aide Section				1	1	2
Anti-crime				1	3	4
Property & Evidence						
Administration/Support		1				1
Bureau of Identification					2	2
Alcoholic Beverage Control					1	1
Fleet/Facilities/Equipment						
Information Technology						
Records						
TOTAL	1	3(4)	12 (19)	26(30)	60 (104)	102 (158)

Numbers in parentheses indicate current staffing. This chart indicates a reduction of 56 positions (from 158 to 102 sworn officers).¹¹

The above two methodologies are the most widely used and accepted methodologies in determining minimum police staffing. Though the two methodologies ("workload" and "minimum staffing") have different results, they both reflect minimum levels of police staffing (patrol officers). Many factors particular to the municipality must also be considered when determining police

¹¹ See Footnote No. 9.

staffing minimum numbers. The two methodologies utilized in this report indicate minimum calculated levels. The Mayor and the Police Chief are in the best positions to determine the factors particular to Hoboken. Once the staffing is determined, the supervisory staffing should be adjusted accordingly. The reduction of one Captain, seven (7) Lieutenants, and four (4) Sergeants as indicated on the above Charts are based on the reduction of patrol officers to 66 patrol officers. Once the Mayor and Police Chief determine the appropriate staffing for patrol officers, DLGS can assist the calculation of appropriate supervisory personnel.

Any reduction in staff may be accomplished through a variety of means or combination of means, including but not limited to attrition, lay-offs, elimination of positions or other method statutorily permitted. The Mayor may choose to explore any of these alternatives.

E. Use of Special Law Enforcement Officers

There are some circumstances where Special Law Enforcement Officers (SLEOs) should be hired to perform the allowable duties in order that more police officers are devoted to power shifts and high crime areas. At times, the City of Hoboken had to “close its borders” when traffic volume became excessive either during special events or when the clubs were open. The City’s administration may find it cost effective to hire SLEOs as opposed to paying overtime or for extra officers on duty. This is especially pertinent when Hoboken “hosts” special events or during high population times when the clubs/restaurants are open late.

Further, in these challenging fiscal times, the City should look to the proponents of the events for sponsorship, contribution and/or secondary employment payment when police officers are needed for special events. For example, in Philadelphia, the City is now asking the sponsors of parades such as the Mummers Parade and the various “ethnic” parades for payment to help defray

the cost of the police officers and other personnel assigned to the special event. In Hoboken, special events such as the St. Patrick's parade, the Fourth of July fireworks or regular events such as the "Club scene" in Hoboken may require private contributions to help defray there police deployment expenses. Any such fees or secondary employment must be accomplished through statutory and appropriate administrative means.

II. Organizational Unit Chart

If the bureaus, divisions, sections and units were organized as recommended by DLGS, the overall department staffing would be as follows:

Organizational Unit	Chief	Captain	Lieutenant	Sergeant	Police Officer	Total
Director of Public Safety						
Chief's Office	1					1
Professional Standards						
Internal Affairs			1	1	1	3
Planning/Training/ Operations/ Budget/Grants/			1	1	1	3
Patrol Operations		1	8	16	46/36	71/61
Communications						
PST Dispatchers 911						
Traffic Section				1	3	4
Community Policing And SRO's			1	2	6	9
Criminal Investigations		1	1	3	6	11
Juvenile Aide Section				1	1	2
Anti-crime				1	3	4
Property & Evidence						
Administration/Support		1				1
Bureau of Identification					2	2
Alcoholic Beverage Control					1	1
Fleet/Facilities/Equipment						
Information Technology						
Records						
TOTAL	1	3(4)	12 (19)	26(30)	70/60 (104)	112,102 (158)

Numbers in parentheses indicate current staffing. This chart indicates a reduction of 46 or 56 positions (from 158 to 112 or 102 sworn officers). Depending on the final

number of sworn officers, further adjustments to the supervisory personnel would likely be in order.

The proposed organization charts are for each of the line and administration functions. (See the attached Appendices)

III. Director of Public Safety

At the present time, the City employs a Director of Public Safety. Municipalities that employ a Director of Public Safety do so for various reasons. In the City of Hoboken, various administrations view this position from both sides – some see the necessity of a Director of Public Safety, while others feel that a Chief is sufficient. During the time DLGS reviewed the HPD and reviewed the Director of Public Safety's position, DLGS staff found that the position of Director of Public Safety is unnecessary for managing this city's Police Department.¹²

Based on our information and observations over the past year, there is no apparent advantage to maintaining the Director of Public Safety position. The position creates an additional financial burden to the city. The Police and Fire Chiefs can (with direction from the Mayor) make policy and provide financial guidance on their respective budgets.

While DLGS understands that there may be advantages in maintaining this position, we suggest that the Mayor evaluate the present and future needs of the administration and the City to determine whether the City's administration benefits from this position. Based on DLGS evaluations and observations while conducting this study, any advantages attributed to the Director of Public Safety are negligible and we recommend elimination of the position.

¹² This report does not pass judgment on the position of Director of Public Safety or similar positions in other municipalities in the state.

IV. Civilianization

The HPD, like most police departments, is confronting increasing demands for services while facing fiscal constraints. The increased prudent use of civilian employees is one method to meet this challenge. Civilianization enables more sworn officers to answer service calls that require full police powers. The HPD must begin the process of identifying positions for civilian employees.

The HPD can determine positions to be civilianized by asking the following questions:

- Does the position involve responding to police emergencies?
- Does the position require police officer status or arrest powers?

To ensure the success of this implementation program, prudent personnel selection and effective training are essential elements to the program. Hiring retired police officers to non-uniformed civilian positions may be a positive alternative given that the retired officer has the advantage of knowing the job and personnel within the City.

DLGS recommends that the HPD Administration can increase utilization of police officers by identifying positions where a civilian should be utilized in the following areas; Record Bureau, Training, Property and Evidence Management, Information Technology and Dispatch Supervision. This list represents a minimum of eight sworn officers who could be placed back on patrol with appropriately trained civilians in these areas. This civilianization should be accomplished in concert with the reduction in sworn officers.

V. Administrative and Procedural

After a review of the administrative code and the standard operating procedures (SOPs) of the City and its Police Department, DLGS found most procedures and codes up-to-date with current laws and statutes. The Administration and the Police Chief must ensure that all relative ordinances must be brought into

compliance with the Rules and Regulations promulgated by the Division of Criminal Justice and with the current state of the Police Department as the recommendations within this report are implemented.

Further, the Police Chief and staff must make sure that all written directives are brought into and maintained in compliance with the Division of Criminal Justice guidelines regarding a written directive system.

All SOPs should be reviewed immediately for relevancy, statutory compliance and thereafter, a regular schedule of review must be implemented. It is imperative that a written and known procedure for periodic SOP review is conducted. The Administration in conjunction with the Police Chief and the Director of Public Safety (if applicable), may wish to involve the City's Solicitor and/or legal counsel in this review.

All administrative processes (such as secondary employment) must comply with State directives and should be reviewed by the Administration and relevant fiscal staff. New fees should be implemented where applicable. Fee ordinances should be amended to ensure that the appropriate and timely fees are being collected in the appropriate fiscal manner.

VI. Fleet and Facilities

Facilities

The police facilities are located at 1 Police Plaza in a stand alone building located on Hudson Street. The building appears secure with officers assigned to the desk to direct visitors to the appropriate offices. The floor space is adequate for the operation as currently staffed. The main problem is secure storage, which is addressed with temporary facilities located in the parking area and at the central garage. This "temporary storage" must be addressed to ensure that records retention requirements are met. The overall condition of the building is fair, but in

need of updating, cleaning, refurbishment and/or rehabilitation. All buildings, and specifically police areas, must be secured both during and after business hours.

Fleet Issues

General

The responsibility for the police fleet, which includes purchasing decisions for vehicles, equipment installed in the vehicles, training on the equipment in the vehicles, and coordinating maintenance of the vehicles lies with the Traffic Division. The fleet includes 54 cars and other vehicles cars, 16 motorcycles, and 2 radar traffic trailers. Some of the vehicles on the list are out-of-service waiting to be sold.

The choice of cars has been the Ford Crown Victoria Police Interceptor (CVPI) for most police use. Consideration should be given to purchasing police package Chevrolet Impalas or Dodge Chargers (V-6) that have lower purchase costs and deliver higher gasoline mileage.

DLGS notes that many Police Departments statewide “prefer” the Ford vehicle. The City, however, should require the HPD justify their preference for the Crown Vic as opposed to any other vehicle given the street make-up, the density, and the confined space within the City of Hoboken. The ultimate decision should be fiscally driven as long as any of the police vehicles can perform the same functions and those functions are necessary for police services within the City.

DLGS recommends that the responsibility for the fleet should be assigned to the Administrative Division of the Police Department and the Traffic Division should be consulted for expertise when needed. DLGS further recommends that any purchasing is centralized through the City and that a fixed asset inventory is conducted.

The fleet is maintained by the Environmental Services Department (ESD) and is adequate at this time. A vehicle replacement plan needs to be developed based on the cost to maintain vehicles.

All fuel costs are appropriated in the ESD budget. Since fuel costs are included in the ESD budget, the Police Department does not monitor fuel consumption or manage operations to account for fuel consumption.

DLGS recommends that the ESD issue periodic reports on fuel usage, which includes user vehicle mileage, number of gallons pumped, and operator identification. Management should review the reports promptly. Explore deployment options of the patrol squads such as two police officer patrol units during the mid-night shift, which will decrease fuel consumption.

Maintenance

All maintenance is performed in the central garage on Observer Highway. The garage area is large, both in floor space and in height, and presents a safe work area for employees. Within this workspace, there are tire changing machines, brake machines, air conditioner recharging machines, mechanics' large tool chests, and numerous shop tools and associated items. Some maintenance actions are charged against the police budget, but most are charged to the ESD budget.

It is difficult to readily determine the actual cost of the operation and maintenance of vehicles. There is no life cycle cost analysis available to determine a replacement plan for cars. The Department records the condition of cars by age, mileage and indistinct descriptions of condition rather than the costs to maintain.

DLGS recommends that ESD record all costs to maintain the fleet including expenses for parts and consumable fluids, labor times and costs, including total benefit costs for mechanics, crash repair cost not reimbursed by second party

insurance, time lost awaiting parts and time lost awaiting maintenance. Periodic reports should be prepared on fleet maintenance costs and reviewed by management.

Further, ESD should document all maintenance and service actions, including service and crash history, in an electronic database. Periodic reports on the condition of the fleet and costs of operation should be prepared and reviewed by management. If the garage remains in the current location, the data entry function should be turned over to a civilian clerk.

Fuel economy and standard warranty comparisons should be considered when selections are made. Detailed operational studies, determining the need for the vehicle, must justify the purchase and operation of SUVs. The vehicles should not be used for commuting purposes or for regular patrol purposes. Administrative and undercover cars should be purchased using State contracts for non-police pursuit package cars.

The optimum time to replace a police car is when total costs, including purchase price, averaged over the car's lifetime, are at a minimum. The Department should base fleet replacement/rotation criteria on life cycle cost data that includes acquisition cost and residual value when the car is taken out of service. The data was not available at the time of the report.

The fleet and facilities must be technologically updated. Police personnel (both civilian and sworn) must have the tools to efficiently deliver services to the community.

CONCLUSION

Generally, the HPD is well run and well maintained. The City and the HPD need to ensure that its police officers are technically savvy and are trained in current police protocols and procedures.

DLGS found that more patrol officers can be placed on the street by civilianization several positions. In addition, DLGS found that the HPD contained more superior officers than was necessary to maintain essential police services within Hoboken. Any reduction in staff may be accomplished through a variety of means or combination of means, including but not limited to attrition, lay-offs, elimination of positions or other methods permitted by contract or statute. The Mayor may choose to explore any or all of these alternatives.

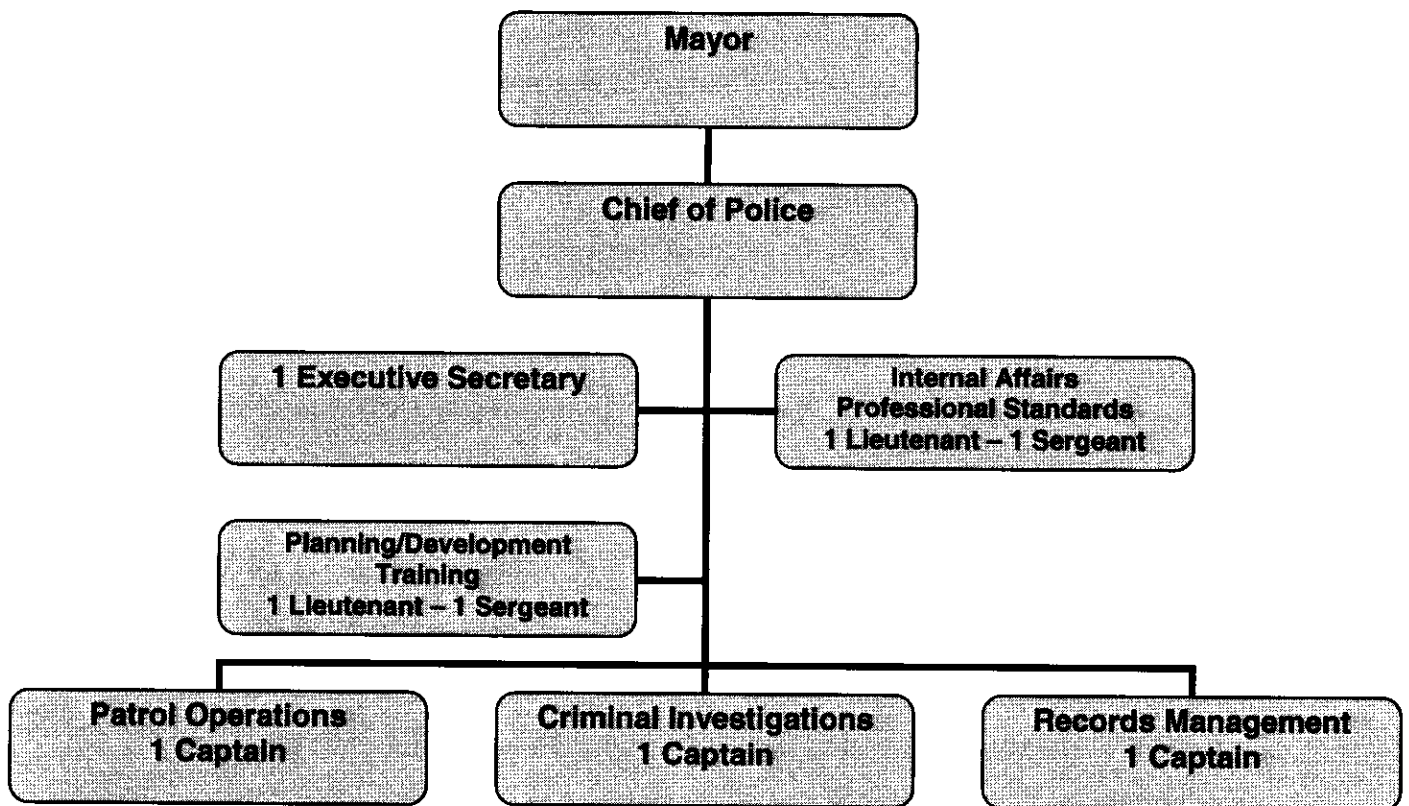
Further, DLGS recognizes that any of the recommendations contained within include a fiscal outlay that must be budgeted appropriately and may only be undertaken as the fiscal resources become available.

Finally, the issue of Director of Public Safety is left to the City's administration. Though, DLGS recommends the elimination of the position, DLGS recognizes that the Mayor and the Administration are in the best position to analyze whether there is a benefit to the City and the extent to which a Director of Public Safety may impact oversight and the budget.

As always, DLGS will continue to work with the City to implement these recommendations.

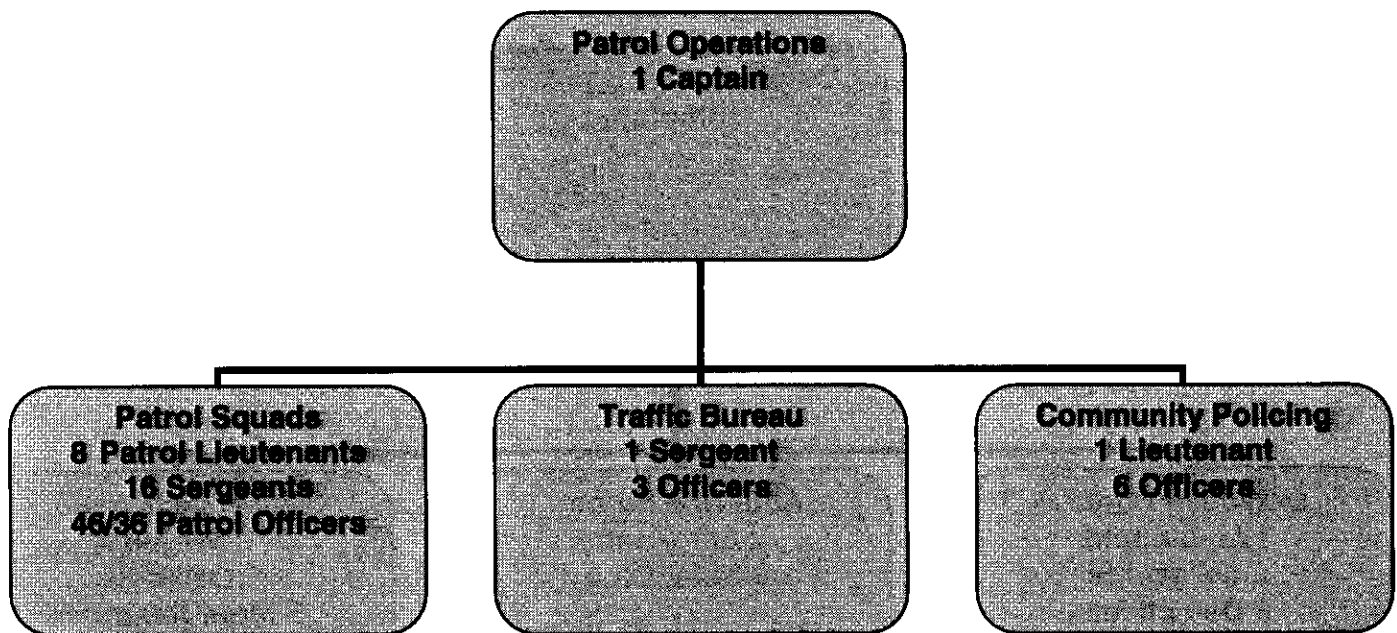
Appendix A

City of Hoboken Proposed Table of Organization Police Administration



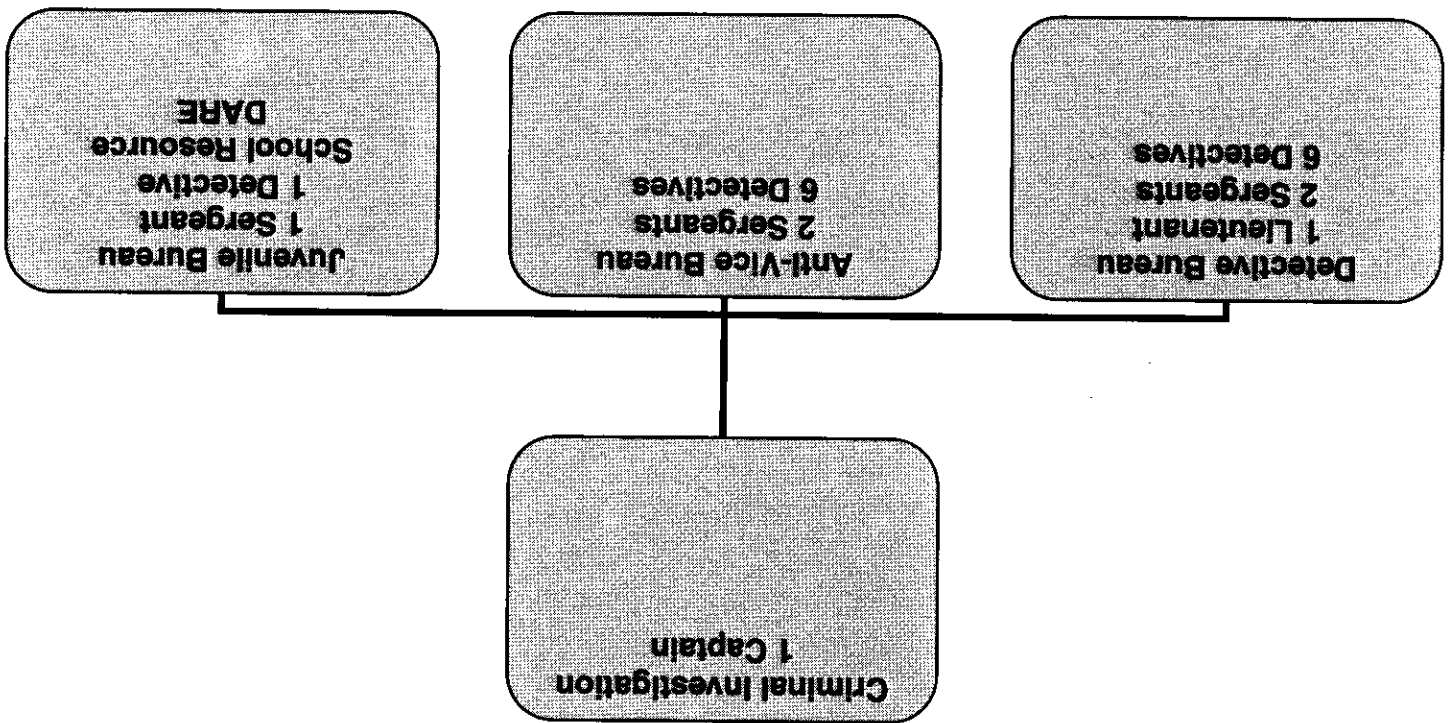
Appendix B

City of Hoboken Proposed Patrol Operations



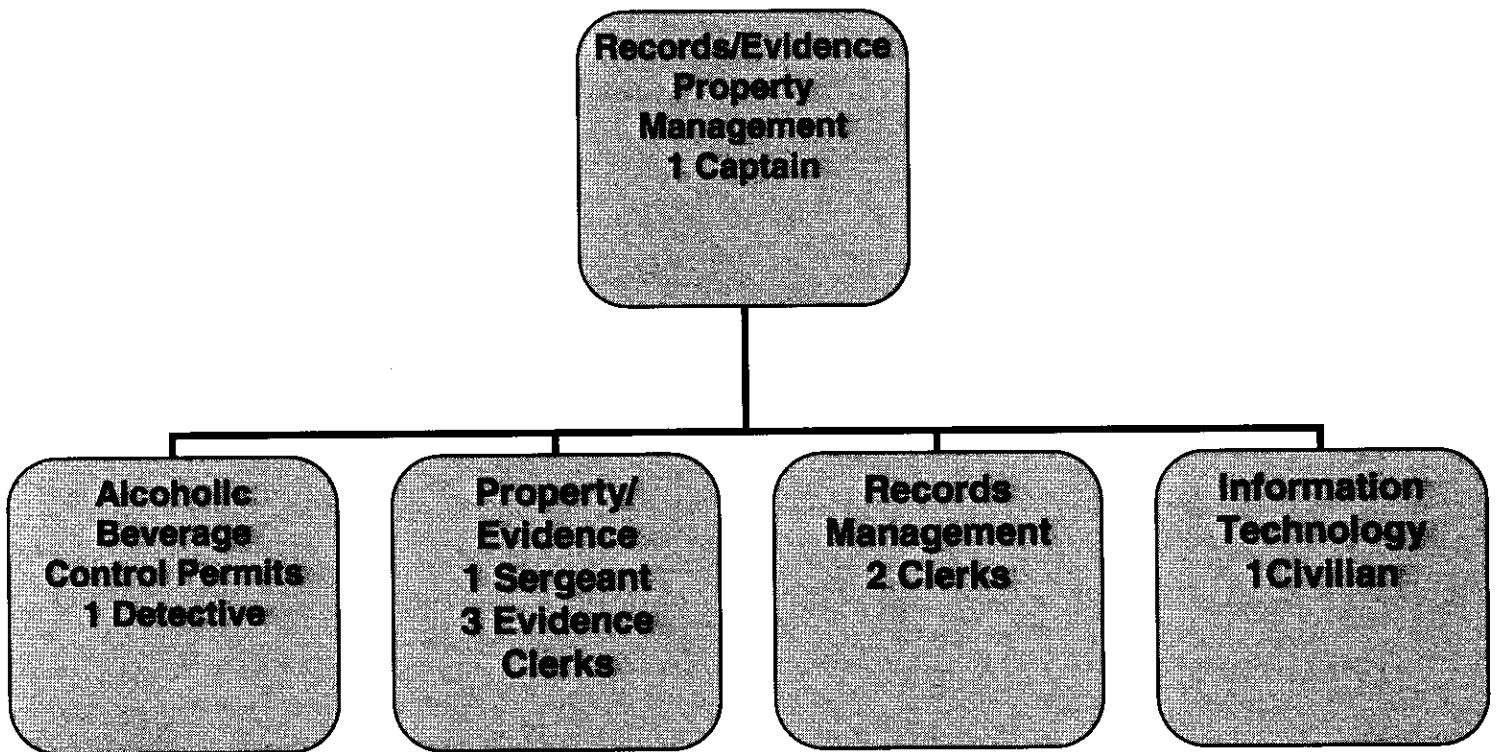
Appendix C

City of Hoboken Proposed Criminal Investigation Bureau



Appendix D

City of Hoboken Proposed Records/Evidence and Property Management



Appendix E

City of Hoboken Local Finance Board Resolution



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

RESOLUTION OF THE LOCAL FINANCE
BOARD WITH REGARD TO THE APPLICATION
OF ARTICLE 4 OF THE LOCAL GOVERNMENT
SUPERVISION ACT TO THE CITY OF
HOBOKEN IN THE COUNTY OF HUDSON

WHEREAS, under Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211 and set forth at N.J.S.A. 52:27BB-54 et seq., the Local Finance Board and the Director of the Division of Local Government Services may, subject to the approval of certain cabinet officers, assume and exercise supervision over the financial affairs of a municipality in unsound financial condition under specific conditions set forth in N.J.S.A. 52:27BB-55 and in accordance with the procedures set forth in N.J.S.A. 52:27BB-56; and

WHEREAS, the Director of the Division of Local Government Services has found that certain conditions exist in the City of Hoboken which substantially jeopardize the fiscal integrity of that municipality; and

WHEREAS, these conditions have arisen as a result of gross failure on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.; and

WHEREAS, one of the conditions set forth in N.J.S.A. 52:27BB-55 which would authorize the Local Finance Board and the Director of the Division of Local Government Services to assume supervision of the financial affairs of such a municipality is a judicial determination of gross failure to comply with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Local Budget Law, N.J.S.A. 40A:4-1 et seq., or the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., which failure substantially jeopardizes the fiscal integrity of the municipality; and



Local Finance Board
City of Hoboken
September 10, 2008

WHEREAS, to properly effect the application of the aforementioned Act to the City of Hoboken, the Director of the Division of Local Government Services has filed a Verified Complaint on July 16, 2008 in the Superior Court of New Jersey to institute a proceeding to obtain a judicial determination that there has been gross failure on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., which substantially jeopardizes the fiscal integrity of the City; and

WHEREAS, by the entry of a Consent Order dated August 14, 2008 (a copy of which is attached hereto), the Honorable Maurice J. Gallipoli, A.J.S.C., has determined that a gross failure has occurred on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., which failure has substantially jeopardized the fiscal integrity of the City; and

WHEREAS, since such a judicial determination is one of the conditions specified under the Act, and more specifically N.J.S.A. 52:27BB-55(6) and N.J.S.A. 52:27BB-56, which authorizes the application of the Act to the City, the Director of the Division of Local Government Services has, pursuant to N.J.S.A. 52:27BB-56, brought before the Local Finance Board the question of the application of Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c., 151, as amended by P.L. 1981, c. 211 and set forth as N.J.S.A. 52:27BB-54 et seq., to the City of Hoboken; and

WHEREAS, in accordance with N.J.S.A., 52:27BB-56, the Director of the Division of Local Government Services has given notice to the governing body of the City of Hoboken of the time and place at which this question has been placed before the Local Finance Board; and

WHEREAS, representatives of the City of Hoboken have appeared before the Local Finance Board on September 10, 2008 at which time this question has been considered by the Local Finance Board; and

Local Finance Board
City of Hoboken
September 10, 2008

WHEREAS, the Local Finance Board has provided the City of Hoboken, through its representatives, as well as other interested parties with an opportunity to be heard with regard to the question of the application of Article 4 of the Local Government Supervision Act to the City; and

WHEREAS, there does exist a judicial determination that gross failure to comply with provisions of the Local Budget Law has occurred in the City of Hoboken which failure substantially jeopardizes the City's fiscal integrity; and

WHEREAS, it appears to the Local Finance Board, in light of the aforementioned and other circumstances which have been presented to the Local Finance Board during its hearing on this question, that the application of the aforementioned Article 4 of the Local Government Supervision Act to the City of Hoboken is necessary, warranted and desirable; and

WHEREAS, the Local Finance Board is empowered by Article 4 of the Local Government Supervision Act, and specifically N.J.S.A. 52:27BB-55 of the Act, to determine by resolution that a municipality is to be subject to the supervision of the Local Finance Board and the Director of the Division of Local Government Services under this Article subject to the approval of such resolution by two of the following three cabinet officers - the Commissioner of the Department of Community Affairs, the State Treasurer and the Attorney General; and

WHEREAS, the Local Finance Board is also authorized and required by N.J.S.A. 52:27BB-56 of the Act to expressly set forth in any resolution which it may adopt for the purpose of placing a municipality under the supervision of Article 4 of the Local Government Supervision Act those specific provisions of this Article which set forth certain powers which the Board and the Director may exercise in the municipality and which the Local Finance Board has determined should be in effect in that municipality; and

Local Finance Board
City of Hoboken
September 10, 2008

WHEREAS, in light of the record before the Local Finance Board in this matter, the Local Finance Board believes that the following provisions of the Act should be placed in effect in the Township: N.J.S.A. 52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A. 52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A. 52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A. 52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A. 52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A. 52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A. 52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A. 52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A. 52:27BB-90; and

NOW, THEREFORE, BE IT RESOLVED by the Local Finance Board this 10th day of September, 2008 that it finds that a judicial determination has been made pursuant to N.J.S.A. 52:27BB-55(6) that gross failure to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., has occurred in the City of Hoboken and that such gross failure has substantially jeopardized the fiscal integrity of the City; and

BE IT THEREFORE FURTHER RESOLVED that the Local Finance Board has determined that the City of Hoboken shall be and is hereby subject to supervision pursuant to Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211, and set forth at N.J.S.A. 52:27BB-54 et seq.; and

BE IT FURTHER RESOLVED that such supervision shall continue until properly terminated pursuant to the provisions of the Article; and

BE IT FURTHER RESOLVED that each and every mandatory provision of this Article shall immediately be in effect in the City of Hoboken pursuant to the adoption of this resolution; and

BE IT FURTHER RESOLVED that the provisions of N.J.S.A. 52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A. 52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A. 52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A. 52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A. 52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A. 52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A. 52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A. 52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A. 52:27BB-90 shall be placed in effect in the City of Hoboken; and

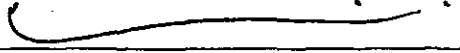
Local Finance Board
City of Hoboken
September 10, 2008

BE IT FURTHER RESOLVED that this resolution shall be subject to the approval of the Commissioner of the Department of Community Affairs, the State Treasurer, and the Attorney General and that it shall become effective immediately upon the endorsement of the approval of any two of these cabinet officers below.


LOCAL FINANCE BOARD
DEPARTMENT OF COMMUNITY AFFAIRS

SEAL

By:


SUSAN JACOBUCCI, CHAIR
LOCAL FINANCE BOARD

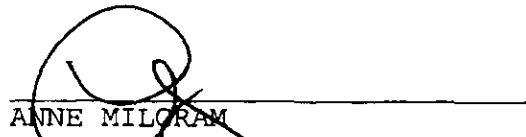
I hereby approve the adoption of the above resolution.


JOSEPH V. DORIA, JR.
COMMISSIONER
DEPARTMENT OF COMMUNITY AFFAIRS

Date: 9/10/08


DAVID ROUSSEAU
STATE TREASURER

Date: 9-10-08


ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

Date: 9-11-08

FILED

AUG 14 2008

MAURICE J. GALLIPOPOLI, J.S.C.

CITY OF HOBOKEN
OFFICE OF THE CORPORATION COUNSEL
94 WASHINGTON STREET
HOBOKEN, NEW JERSEY 07030
Telephone: (201) 420-2058
Facsimile (201) 792-1858
Attorney for Defendant

SUSAN JACOBUCCI, DIRECTOR,
DIVISION OF LOCAL GOVERNMENT
SERVICES and LOCAL FINANCE BOARD

Plaintiff,

v.

CITY OF HOBOKEN

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION:
HUDSON COUNTY
DOCKET NO.: HUD-L-3495-08

Civil Action

CONSENT ORDER

BACKGROUND

On July 16, 2008, Susan Jacobucci, the Director of the Division of Local Government Services ("Director"), along with the Local Finance Board ("Board"), initiated this action with the filing of a Complaint against the City of Hoboken ("City"), seeking a judicial determination pursuant to N.J.S.A. 52:27BB-55(6) that there has been a gross failure on the part of the City to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq. which substantially jeopardizes the fiscal integrity of the City. The allegations included, but were not limited to, the failure of the City's governing body to adopt a budget within the time frame established by law, and in contravention of a direct order of the Director.

Once such a judicial determination has been made, certain provisions of the "Local Government Supervision Act," N.J.S.A. 52:27BB-1 et seq. will take effect. More specifically, based upon this judicial determination, the Director is then eligible to seek a resolution from the

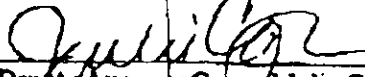
Board to place the City under supervision by the Board and Director pursuant to N.J.S.A. 52:27BB-56.

In order to conserve time and expense, the parties have agreed that this controversy should be resolved without the need for further litigation. Therefore, without a trial or adjudication on the merits, the parties have consented to the entry of this Order, as indicated by the signatures of counsel at the end of this document.

Therefore, it is hereby **ORDERED, ADJUDGED and DECREED** as follows:

1. It is determined that the condition set forth in N.J.S.A. 52:27BB-55(6) currently exists within the City of Hoboken, specifically that there has been a gross failure on the part of the City to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., which substantially jeopardizes the fiscal integrity of the City.
2. The Director shall inform the Board of the City's co-operation in agreeing to this Consent Order without the need for a hearing on the merits.
3. The Director acknowledges the City's action as a positive step in re-establishing the City's financial stability and will give it whatever weight she deems appropriate in determining the Division's future actions regarding this matter.
4. Each party shall bear its own costs and attorney's fees associated with this litigation.
5. A copy of this Order shall be served on all parties within five (5) days receipt thereof.

I hereby consent to the form and entry of the within Order.


Deputy Attorney General Julie Cavanagh
Attorney for Plaintiffs

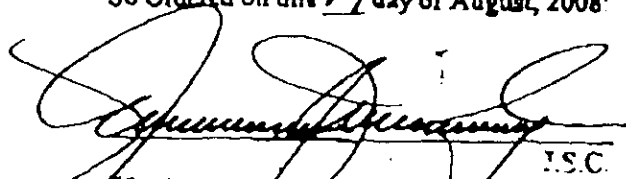
DATED:



Steven W. Kleiman, Corporation Counsel
Attorney for Defendant

DATED: August 13, 2008

So Ordered on this ^{re} 14 day of August, 2008:


JSC.
JOSEPH J. GALLIOLI, J.S.C.



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS

RON S. CORZINE
GOVERNOR

CHARLES A. RICHMAN
ACTING COMMISSIONER

RESOLUTION OF THE LOCAL FINANCE
BOARD WITH REGARD TO THE
CONTINUATION OF THE APPLICATION OF
ARTICLE 4 OF THE LOCAL GOVERNMENT
SUPERVISION ACT TO THE CITY OF
HOBOKEN IN THE COUNTY OF HUDSON

WHEREAS, under Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211 and set forth at N.J.S.A. 52:27BB-54 et seq., the Local Finance Board and the Director of the Division of Local Government Services may, subject to the approval of certain cabinet officers, assume and exercise supervision over the financial affairs of a municipality in unsound financial condition under specific conditions set forth in N.J.S.A. 52:27BB-55 and in accordance with the procedures set forth in N.J.S.A. 52:27BB-56; and

WHEREAS, the Director of the Division of Local Government Services has found that certain conditions exist in the City of Hoboken which substantially jeopardize the fiscal integrity of that municipality; and

WHEREAS, these conditions have arisen as a result of gross failure on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq.; and

WHEREAS, one of the conditions set forth in N.J.S.A. 52:27BB-55 which would authorize the Local Finance Board and the Director of the Division of Local Government Services to assume supervision of the financial affairs of such a municipality is a judicial determination of gross failure to comply with the provisions of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., the Local Budget Law, N.J.S.A. 40A:4-1 et seq., or the Local Fiscal Affairs Law, N.J.S.A. 40A:5-1 et seq., which failure substantially jeopardizes the fiscal integrity of the municipality; and

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WHEREAS, to properly effect the application of the aforementioned Act to the City of Hoboken, the Director of the Division of Local Government Services filed a Verified Complaint on July 16, 2008 in the Superior Court of New Jersey to institute a proceeding to obtain a judicial determination that there has been gross failure on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., which substantially jeopardizes the fiscal integrity of the City; and

WHEREAS, by the entry of a Consent Order dated August 14, 2008 (a copy of which is attached hereto), the Honorable Maurice J. Gallipoli, A.J.S.C., has determined that a gross failure has occurred on the part of the City of Hoboken to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., which failure has substantially jeopardized the fiscal integrity of the City; and

WHEREAS, since such a judicial determination is one of the conditions specified under the Act, and more specifically N.J.S.A. 52:27BB-55(6) and N.J.S.A. 52:27BB-56, which authorizes the application of the Act to the City, the Director of the Division of Local Government Services has, pursuant to N.J.S.A. 52:27BB-56, brought before the Local Finance Board the question of the application of Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211 and set forth as N.J.S.A. 52:27BB-54 et seq., to the City of Hoboken; and

WHEREAS, in accordance with N.J.S.A., 52:27BB-56, the Director of the Division of Local Government Services has given notice to the governing body of the City of Hoboken of the time and place at which this question has been placed before the Local Finance Board; and

WHEREAS, representatives of the City of Hoboken appeared before the Local Finance Board on September 10, 2008, at which time this question was considered by the Local Finance Board; and

WHEREAS, the Local Finance Board provided the City of Hoboken, through its representatives, as well as other interested parties with an opportunity to be heard with regard to the question of the application of Article 4 of the Local Government Supervision Act to the City; and

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WHEREAS, the Local Finance Board determined on September 10, 2008 that a judicial determination had been rendered that gross failure to comply with provisions of the Local Budget Law had occurred in the City of Hoboken which failure substantially jeopardized the City's fiscal integrity; and

WHEREAS, the Local Finance Board consequently concluded, in light of the aforementioned and other circumstances which were presented to the Local Finance Board during its hearing on September 10, 2008, that the application of the aforementioned Article 4 of the Local Government Supervision Act to the City of Hoboken was necessary, warranted and desirable; and

WHEREAS, the Local Finance Board is empowered by Article 4 of the Local Government Supervision Act, and specifically N.J.S.A. 52:27BB-55 of the Act, to determine by resolution that a municipality is to be subject to the supervision of the Local Finance Board and the Director of the Division of Local Government Services under this Article subject to the approval of such resolution by two of the following three cabinet officers - the Commissioner of the Department of Community Affairs, the State Treasurer and the Attorney General; and

WHEREAS, the Local Finance Board is also authorized and required by N.J.S.A. 52:27BB-56 of the Act to expressly set forth in any resolution which it may adopt for the purpose of placing a municipality under the supervision of Article 4 of the Local Government Supervision Act those specific provisions of this Article which set forth certain powers which the Board and the Director may exercise in the municipality and which the Local Finance Board has determined should be in effect in that municipality; and

WHEREAS, in light of the record before the Local Finance Board in this matter, the Local Finance Board believes that the following provisions of the Act should be placed in effect in the City: N.J.S.A. 52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A. 52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A. 52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A. 52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A. 52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A. 52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A. 52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A. 52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A. 52:27BB-90; and

WHEREAS, in light of the forgoing the Local Finance Board adopted a resolution on September 10, 2008, for the purpose of placing the City of Hoboken under the supervision of the Local Finance Board pursuant to Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211, and set forth at N.J.S.A. 52:27BB-54 et seq., and for the further purpose of having the provisions of N.J.S.A. 52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A. 52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A. 52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A. 52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A. 52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A. 52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A. 52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A. 52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A. 52:27BB-90 placed in effect in the City; and

WHEREAS, the resolution adopted by the Local Finance Board on September 10, 2008, was subsequently approved by the Commissioner of the Department of Community Affairs, the State Treasurer, and the Attorney General, and has accordingly been in effect in the City for the past year; and

WHEREAS, pursuant to N.J.S.A. 52:27BB-56, the application of Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211, and set forth at N.J.S.A. 52:27BB-54 et seq., in a municipality that has been placed under such supervision may, in appropriate circumstances, be continued and extended through the adoption of a further resolution for this purpose by the Local Finance Board; and

WHEREAS, the Director of the Division of Local Government Services has advised the Local Finance Board that the continuation of the supervision of the City of Hoboken pursuant to Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211, and set forth at N.J.S.A. 52:27BB-54 et seq., is both necessary and appropriate in order to fully address the conditions that warranted the imposition of such supervision and to properly and completely achieve the rehabilitation of the City's financial affairs; and

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WHEREAS, the Local Finance Board has accordingly given notice to the governing body of the City of Hoboken, in accordance with N.J.S.A., 52:27BB-56, of the time and place at which the question of the continuation of the supervision of the City pursuant to Article 4 of the Local Government Supervision Act would be placed before the Local Finance Board; and

WHEREAS, representatives of the City of Hoboken appeared before the Local Finance Board on September 9, 2009, at which time this question was considered by the Local Finance Board; and

WHEREAS, the Local Finance Board provided the City, through its representatives, as well as other interested parties, with an opportunity to be heard with regard to the question of the continuation of the application of Article 4 of the Local Government Supervision Act to the City; and

WHEREAS, the Local Finance Board has concluded, in light of the aforementioned and other circumstances which have been presented to the Local Finance Board during its hearing on September 9, 2009, that the conditions that constituted the basis for the judicial determination that was rendered with regard to the City of Hoboken pursuant to N.J.S.A. 52:27BB-55(6), holding that a gross failure to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., had occurred in the City of Hoboken and that such gross failure had substantially jeopardized the fiscal integrity of the City, still require and warrant supervision of the City pursuant to Article 4 of the Local Government Supervision Act; and

WHEREAS, the Local Finance Board has consequently concluded, in light of the aforementioned and other circumstances which have been presented to the Local Finance Board during its hearing on September 9, 2009, that the continuation of the application of Article 4 of the Local Government Supervision Act to the City of Hoboken is necessary and appropriate; and

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WHEREAS, the Local Finance Board has further concluded that the following provisions of the Act should remain in effect in the City: N.J.S.A. 52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A. 52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A. 52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A. 52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A. 52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A. 52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A. 52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A. 52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A. 52:27BB-90,

NOW, THEREFORE, BE IT RESOLVED by the Local Finance Board this 9th day of September, 2009, that the Local Finance Board finds that the conditions which constituted the basis for the judicial determination that was rendered with regard to the City of Hoboken pursuant to N.J.S.A. 52:27BB-55(6), holding that a gross failure to comply with the provisions of the Local Budget Law, N.J.S.A. 40A:4-1 et seq., had occurred in the City of Hoboken and that such gross failure had substantially jeopardized the fiscal integrity of the City, still require and warrant supervision of the City pursuant to Article 4 of the Local Government Supervision Act; and

BE IT THEREFORE FURTHER RESOLVED that the Local Finance Board has accordingly determined that the City of Hoboken shall continue to be subject to supervision pursuant to Article 4 of the Local Government Supervision Act of 1947, P.L. 1947, c. 151, as amended by P.L. 1981, c. 211, and set forth at N.J.S.A. 52:27BB-54 et seq.; and

BE IT FURTHER RESOLVED that such supervision shall continue until properly terminated pursuant to the provisions of the Article; and

BE IT FURTHER RESOLVED that each and every mandatory provision of this Article shall continue to be in effect in the City of Hoboken pursuant to the adoption of this resolution; and

BE IT FURTHER RESOLVED that the provisions of N.J.S.A.
52:27BB-57; N.J.S.A. 52:27BB-58; N.J.S.A. 52:27BB-60; N.J.S.A.
52:27BB-61; N.J.S.A. 52:27BB-62; N.J.S.A. 52:27BB-66; N.J.S.A.
52:27BB-66.1; N.J.S.A. 52:27BB-73; N.J.S.A. 52:27BB-74; N.J.S.A.
52:27BB-75; N.J.S.A. 52:27BB-76; N.J.S.A. 52:27BB-77; N.J.S.A.
52:27BB-78; N.J.S.A. 52:27BB-79; N.J.S.A. 52:27BB-80; N.J.S.A.
52:27BB-81; N.J.S.A. 52:27BB-82; N.J.S.A. 52:27BB-83; N.J.S.A.
52:27BB-84; N.J.S.A. 52:27BB-85; N.J.S.A. 52:27BB-86; N.J.S.A.
52:27BB-87; N.J.S.A. 52:27BB-88; N.J.S.A. 52:27BB-89; and N.J.S.A.
52:27BB-90 shall continue to be in effect in the City; and

BE IT FURTHER RESOLVED that this resolution shall be subject to the approval of the Commissioner of the Department of Community Affairs, the State Treasurer, and the Attorney General, and that it shall become effective immediately upon the endorsement of the approval of any two of these cabinet officers below.

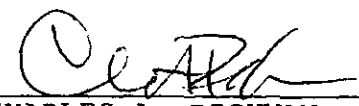
LOCAL FINANCE BOARD
DEPARTMENT OF COMMUNITY AFFAIRS

SEAL

By: 

SUSAN JACOBUCCI, CHAIR
LOCAL FINANCE BOARD

I hereby approve the adoption of the above resolution.



CHARLES A. RICHMAN
ACTING COMMISSIONER
DEPARTMENT OF COMMUNITY AFFAIRS

Date: 9/23/09



R. DAVID ROUSSEAU
STATE TREASURER

Date: 9/25/09



ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

Date: 10.6.09